

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 8, 2003**

AGENDA ITEM NO.: **14**

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Rezoning Petition – Jamerson & Company, Off Wyndhurst Drive**
CUP petition – Jamerson & Company, Off Wyndhurst Drive & 1536 Lockewood Drive

RECOMMENDATION: Approval of the requested rezoning and conditional use permit petitions.

SUMMARY: Jamerson & Company, has petitioned to rezone 10 acres located Off Wyndhurst Drive, from R-2 (Conditional), Single-Family Residential District, to R-2 (Conditional), Single-Family Residential District, to amend a previously approved proffer to allow development other than single-family within fifty (50) feet of the property line and for a Conditional Use Permit off Wyndhurst Drive & 1536 Lockewood Drive to amend the previously approved Traditional Neighborhood Development Plan to allow the construction of apartments and additional single-family uses in an R-2 (Conditional), Single-Family Residential District.

- Petition agrees with the Comprehensive Plan, which recommends a Mixed Use for the subject properties.
- Petition agrees with the Zoning Ordinance in that a traditional neighborhood development is a permitted use in a residential district upon approval of a CUP by the City Council.
- Proposed amendment should not be detrimental to the surrounding neighborhood or the traditional neighborhood development.

City staff met with the petitioner on June 6, 2003 to discuss the Wyndhurst land use plan and the subject petitions. City staff is in agreement with the petitioner that the "Transitional" areas denoted on the plan would allow for multi-family uses. A rezoning would be needed to allow uses other than single-family in the 150-foot buffer area. The Planning Division recommends approval of the subject petitions.

PRIOR ACTION(S):

April 23, 2003: Planning Division recommended approval of the rezoning.
Planning Commission recommended approval (4-2, with one member absent) of the rezoning.
Planning Commission recommended approval (4-2, with one member absent) of the conditional use permit.

May 13, 2002: City Council delayed action on the petitions.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 847-1508, ext. 253
Tom Martin / 847-1508, ext. 226

ATTACHMENT(S):

- Resolution

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM R-2 (CONDITIONAL), SINGLE FAMILY RESIDENTIAL DISTRICT TO R-2 (CONDITIONAL), SINGLE FAMILY RESIDENTIAL DISTRICT TO AMEND PREVIOUSLY APPROVED PROFFERS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG That in order to promote the public necessity, convenience, general welfare, and good zoning practice that 35.1 of the Code of the City of Lynchburg, 1981, as amended, and the same is hereby further amended by adding thereto Section 35.1-76.____, which section shall read as follows:

35.1-76.____. Change of a certain area from R-2 (Conditional), Single-Family Residential District to R-2 (Conditional) Single Family Residential District.

The area embraced within the following boundaries . . .

Beginning at a point on the northerly right of way line of Northwynd Circle; thence leaving the northerly right of way line of Northwynd Circle and running a tie line N 87° 21' 34" E 116.50 feet to a point; thence along a curve to the right having a delta angle of 29° 09' 43" arc length of 71.28 feet, radius of 140.5 feet, chord bearing of S 77° 43' 34" E, chord distance of 70.51 feet to a point; thence S 63° 08' 43" E 33.19 feet to a point; thence N 29° 95' 59" E to the true point of beginning; thence N 59° 29' 11" W 2.47 feet to a point; thence N 24° 01' 16" W 222.00 feet to a point; thence N 10° 33' 16" W 307.00 feet to a point; thence N 20° 43' 44" W 135.44 feet to a point; thence S 68° 37' 28" W 249.57 feet to a point; thence S 62° 59' 21" E 635.24 feet to a point; thence S 29° 19' 58" W 419.00 feet to a point; thence S 11° 36' 37" E 382.00 feet to a point; thence N 61° 04' 36" W 304.58 feet to a point; thence N 52° 41' 48" W 259.22 feet to the point of beginning. Parcel contains 10.23 acres.

. . . is hereby changed from R-2 (Conditional) Single Family Residential District to R-2, (Conditional), Single Family Residential District , subject to the conditions setout hereinbelow which were voluntarily proffered in writing by the owner, to-wit: Bill Jamerson, Jamerson & Company . . .

1. The area 50' in width adjacent to adjoining non-Wyndhurst properties shall be limited to uses and conditions allowed in R-1 zone only for this 10-acre parcel. This area will be a vegetative buffer.
2. The site will be developed in substantial compliance with the conceptual plan by Resource International dated March 11, 2003.
3. The remainder of the existing proffers from the 1997 rezoning will remain in effect and control other aspects of the property.

And the Director of Community Planning and Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia" referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

RESOLUTION

A RESOLUTION TO GRANT A CONDITIONAL USE PERMIT TO AMEND PREVIOUSLY APPROVED TRADITIONAL NEIGHBORHOOD DEVELOPMENT PLAN.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of Bill Jamerson, J. E. Jamerson and Company, for a Conditional Use Permit for use of the property at 1536 Lockwood Drive to amend previously approved traditional neighborhood development plans be, and the same is hereby, approved, subject to the following conditions:

1. The property will be developed in substantial compliance with the Traditional Neighborhood Development Plan for the Jamerson Property as revised April 2, 2003.
2. The ten (10) acre parcel proposed for apartment uses will be developed in substantial compliance with the site plan titled "Concept Plan Wyndhurst Out Parcel" as prepared by Resource International and received April 3, 2003.
3. All properties will be subject to the Design Guidelines of the Wyndhurst TND as adopted by the City Council on July 14, 1998.

Adopted:

Certified:

Clerk of Council

126L

To: Planning Commission
From: Planning Division
Date: April 23, 2003
Re: **REZONING: R-2 C to R-2 C, OFF WYNDHURST DRIVE**
CONDITIONAL USE PERMIT (CUP): OFF WYNDHURST DRIVE & 1536
LOCKEWOOD DRIVE

I. PETITIONER

Mr. Bill Jamerson, Jamerson & Co., 402 North Church Street, Appomattox, VA 24522

Representative: Ms. Tracey Norvelle, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject property is a tract of about 10 acres located off of Wyndhurst Drive and a tract of about .546 acres located at 1536 Lockewood Drive

Property Owner: Mr. Bill Jamerson, Jamerson & Co., 402 North Church Street, Appomattox, VA 24522

III. PURPOSE

The purposes of these petitions are to:

- Amend previously approved proffers for a ten (10) acre tract located off Wyndhurst Drive.
- Amend the previously approved traditional neighborhood development (TND) plan to allow apartments on a ten (10) acre tract off Wyndhurst Drive.
- Amend the previously approved traditional neighborhood development (TND) plan to include the .546 acre tract located at 1536 Lockewood Drive for single-family residential uses.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan, which recommends a Mixed Use for the subject properties.
- Petition agrees with the Zoning Ordinance in that a traditional neighborhood development is a permitted use in a residential district upon approval of a CUP by the City Council.
- Proposed amendments should not be detrimental to the surrounding neighborhood or the traditional neighborhood development.

The Planning Division recommends approval of the Rezoning & CUP petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a mixed-use area for the subject properties. These areas do not fit into any single use category as they are planned for a mix of uses carefully designed so as to mitigate any potential land use conflicts. The Wyndhurst Traditional Neighborhood Development is currently developing under this concept. It is primarily residential, but provides a mixture of office, commercial, civic and park uses.
2. **Zoning.** The subject properties were annexed into the City in 1976. The existing R-2 (Conditional), Single-Family Residential zoning for the ten (10) acre tract located off Wyndhurst Drive was established on September 12, 2000 by City Council action. The TND plan and design guidelines, which govern the overall development, were approved by the City Council on June 24, 1998. The existing R-1, Single-Family Residential district zoning for the .546 acre parcel located at 1536 Lockewood Drive was established in 1978 with the adoption of the current Zoning Ordinance. If the amendments to the TND plan are approved this property would become part of the traditional neighborhood development and would be governed by the previously approved design guidelines.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers with the rezoning application.
 - An area 50' in width adjacent to adjoining non-Wyndhurst properties shall be limited to uses & conditions allowed in R-1 zone only for this 10-acre parcel. This area will be a vegetative buffer.
 - The site will be developed in substantial compliance with the conceptual plan by Resource International dated March 11, 2003.

- The remainder of the existing proffers from the 1997 rezoning will remain in effect and control other aspects of the property.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning or amendments to the traditional neighborhood development.
 5. **Surrounding Area.** The following items in the immediate area have required City Council action:
 - May 14, 1991, the City Council approved the CUP petition of the Timberlake Dixie Youth Athletic Association at 311 Beverly Hills Circle to allow the construction of athletic fields.
 - June 8, 1993, the City Council approved the CUP petition of the Timberlake Dixie Youth Athletic Association at 311 Beverly Hills Circle to allow the installation and usage of lights on three (3) existing ball fields.
 - April 8, 1997, the City Council approved the petition of J.E. Jamerson & Sons to rezone 400 acres from R-1, Single-Family Residential District to R-2 (Conditional), Single-Family Residential District, R-4, (Conditional), Multi-Family Residential District, B-1 (Conditional), Limited Business District, B-3 (Conditional), Community Business District, and I-2 (Conditional), Light Industrial District to allow single-family, townhouse, and apartment uses; a nursing home/assisted living/retirement village complex; various commercial uses; and an industrial park.
 - July 14, 1998, the City Council approved the CUP petition of J.E. Jamerson & Sons at Laxton Road & Enterprise Drive to allow the construction of a traditional neighborhood development.
 - July 14, 1998, the City Council approved the CUP petition of J.E. Jamerson & Sons at Laxton Road & Enterprise Drive to allow the construction of a dam & lake in the floodplain.
 - May 9, 2000, the City Council approved the petition of the Summit / J.E. Jamerson & Sons at Enterprise Drive to rezone 143 acres from R-4 (Conditional), Multi-Family Residential District & B-1 (Conditional), Limited Business District to R-4 (Conditional), Multi-Family Residential District & B-1 (Conditional), Limited Business District to amend a previously approved site plan and proffers.
 - May 9, 2000, the City Council approved the CUP petition of the Summit / J.E. Jamerson & Sons at Enterprise Drive to allow the construction of a traditional neighborhood development.
 - September 12, 2000, the City Council approved the petition of J.E. Jamerson & Sons at Enterprise Drive to rezone 167 acres from R-2 (Conditional), Single-Family Residential District & R-4 (Conditional), Multi-Family Residential District to R-2 (Conditional), Single-Family Residential District & R-4 (Conditional), Multi-Family Residential District to amend previously approved proffers.
 6. **Site Description.** The 10-acre tract proposed for apartment uses is bordered to the north by the Brookville Ruritan athletic fields, to the east by single-family residences and vacant land, and to the south and west by the traditional neighborhood development.

The property located at 1536 Lockwood Drive that is proposed for a single-family use is bounded to the north by the traditional neighborhood development, to the east by vacant land, to the south by a single-family residence and to the west by the traditional neighborhood development.

7. **Proposed Use of Property.** The purpose of the rezoning is to amend a previously approved proffer that limited development within 150 feet of the property line to single-family uses. The rezoning would amend the proffer to allow multi-family uses within 50 feet of the property line for a ten (10) acre tract off Wyndhurst Drive.

The purpose of the conditional use permit is to amend the previously approved traditional neighborhood development plan to allow multi-family uses on a 10 acre tract off Wyndhurst Drive that had been designated as single-family detached and single-family attached uses. The proposed amendment would also incorporate a parcel located at 1536 Lockwood Drive into the “edge” area of the development and is designated as a single-family detached use.

8. **Traffic and Parking.** The City’s Traffic Engineer had no comments of concern regarding the proposed rezoning or the amendments to the traditional neighborhood development plan. Vehicular access to the traditional neighborhood development will continue to be from Enterprise Drive. Access to other

City streets such as Lockewood Drive is still prohibited by a voluntarily submitted proffer of the 1997 rezoning. (City Ordinance #0-97-056)

9. **Storm Water Management.** A storm water management plan will be required because disturbed areas will exceed 1000 square feet. Stormwater management will be addressed by using the regional stormwater management facilities, which serves the entire development.
10. **Impact.** The submitted rezoning petition proposes to amend the proffers for a ten (10) acre area off Wyndhurst Drive to allow development within fifty (50) feet of the property line for uses other than single-family instead of the previously approved one hundred fifty (150) feet. The current proposal is to construct 124 two (2) bedroom apartments and 36 three (3) bedroom apartments with 375 parking spaces in this area. Of particular concern to the Planning Division is the protection of the existing residences along Beverly Hills Circle that are adjacent to the proposed development. The submitted site plan indicates a vegetative evergreen buffer that varies in width from fifty (50) feet to seventy-five (75) feet along this eastern property line. At the request of the Planning Division the proposed buffer was extended 100 feet past the development boundaries in an effort to alleviate citizen concern.

The proposed amendment to the TND plan deviates somewhat from the TND Ordinance. Section 35.1-43.6 (a3), General Requirements for Traditional Neighborhood Developments, states that “generally, high density housing types (multi-family and single-family attached housing) shall be located closest to the core of the community and within one-quarter ($\frac{1}{4}$) mile of the identified center of the community.” While the proposed apartment units will be located in close proximity to the edge areas they will still be within the required distance from the designated center of the TND development.

The proposed apartments will be accessed via an extension of Northwynd Circle and will require the crossing of a branch of Tomahawk Creek. According to the representative for the developer this crossing is most likely to be accomplished by using culverts. This is permitted under the City’s Zoning Ordinance provided that levels of the 100-year flood plain are not increased and all aspects of the City’s Erosion & Sediment Control Ordinance are met.

Since traffic accessing the development will be from existing roads internal to the traditional neighborhood development, there should be no traffic impact to the surrounding non-Wyndhurst areas. The proposed vegetative buffers and adherence to the Wyndhurst design guidelines will eliminate any adverse visual impact.

The inclusion of the property located at 1536 Lockewood Drive for single-family uses should create little or no more impact than currently exists.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on April 1. Comments related to the proposed rezoning and amendments to the TND plan were minor in nature and have or will be addressed by the developer prior to final site plan approval.
12. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.

VI. PLANNING DIVISION RECOMMENDATION

Waiver of 21-day prior submittal:

1. **That the Planning Commission waive the 21 – day submittal requirement of Section 35.1-43.1 of the Zoning Ordinance to accept proffers submitted by Bill Jamerson, Jamerson & Company for the ten (10) acre parcel located off Wyndhurst Drive.**
2. **Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Bill Jamerson, Jamerson & Company to rezone ten (10) acres off Wyndhurst Drive from R-2 (Conditional), Single-Family Residential District to R-2, (Conditional), Single-Family Residential District, to amend previously approved proffers.**
3. **Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Bill Jamerson, Jamerson & Company for a Conditional Use Permit off Wyndhurst Drive and at 1536 Lockewood Drive to amend the previously approved traditional neighborhood development (TND) plan subject to the following conditions:**
 1. **The property will be developed in substantial compliance with the Traditional Neighborhood Development Plan for the Jamerson Property as revised April 2, 2003.**

2. **The ten (10) acre parcel proposed for apartment uses will be developed in substantial compliance with the site plan titled “Concept Plan Wyndhurst Out Parcel” as prepared by Resource International and received April 3, 2003.**
3. **All properties will be subject to the Design Guidelines of the Wyndhurst TND as adopted by the City Council on July 14, 1998.**

This matter is respectfully offered for your consideration.

William T. Martin
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas DeJarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Official
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Tracey Norvelle, Representative
Mr. Bill Jamerson, Petitioner

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
(see attached map)
2. **Vicinity Proposed Land Use**
(see attached map)
3. **Site Plans**
(see attached site plans)
4. **Elevations**
(see attached elevation)

THESE MINUTES HAVE NOT BEEN REVIEWED NOR APPROVED BY THE PLANNING COMMISSION

Petition of Jamerson & Company to rezone approximately 10 acres at Enterprise Drive from R-2, Single-Family Residential District (Conditional) to R-2, Single-Family Residential District (Conditional) to amend previously approved proffers, and for a Conditional Use Permit at Enterprise Drive & 1536 Lockwood Drive to amend the previously approved Traditional Neighborhood Development Plan to allow the construction of apartments and additional single-family uses in an R-2, Single-Family Residential District (Conditional) and an R-1, Single-Family Residential District.

Mr. William Jamerson, President of the Jamerson Company, Appomattox, VA. represented this petition. Mr. Jamerson explained that his company is the developer of the Wyndhurst development, which approximately five years ago was a 400-acre cow pasture. He said when he acquired the property City officials encouraged him to develop a Planned Unit Development. In fact, he said, the City had to adopt a new zone for a development such as this, which is classified as a Traditional Neighborhood Development. He said before any building began they had group and neighborhood meetings to answer questions and address concerns. Mr. Jamerson said he recently met with City officials concerning this 10-acre parcel, and got their input on this portion of his development. He told the Commission that he met with all adjacent property owners, and received different reactions from them. Several of them, he explained, had no problems with the change in the scope of this project, the Ruritan Club was concerned that the lights from their ball fields would bother the residents in the proposed development, and one neighbor, Mr. Davis was against the petition. Mr. Jamerson explained that Mr. Davis purchased his property after the Wyndhurst development began. Mr. Jamerson said that Mr. Davis' property did not adjoin this development, but Mr. Jamerson wanted to meet with him because he was the next closest neighbor. He said Mr. Davis had many concerns, including dust, trash, noise, lights, etc. Mr. Jamerson said even though Mr. Davis was not an adjoining property owner, he agreed to give him screening from the proposed apartments by extending the landscape buffer a maximum of 100 feet beyond the subject 10-acre site. Mr. Jamerson said all of the TRC concerns had been addressed.

Mr. Mark Davis 335 Beverly Hills Circle, Lot 16, spoke in opposition to the petition. Mr. Davis said two of the adjoining property owners live out of town and do not care what happened on the adjoining property. He said he was concerned because Mr. Jamerson had removed the existing tree buffer, including trees on Mr. Davis' property, without permission. He added that in addition to the dust, trash, and noise problems, he was concerned with water runoff from the proposed parking lot. He said that Mr. Jamerson agreed to put a buffer behind part of his property, but he thinks the buffer should extend the entire length of his property. Mr. Davis said the zoning keeps changing and he thinks that eventually there will be apartments behind his property, too.

Ms. Sara Birgbauer, 336 Beverly Hills Circle, Lot 10, spoke in opposition to the petition. Ms. Birgbauer explained that she lived across the street from the property owners adjoining the Wyndhurst development. She said she understood when she purchased her property that Wyndhurst had been approved as single family, detached homes along the buffer of her neighborhood and that there would never be a right-of-way exit. Ms. Birgbauer added that she was totally against apartments abutting single-family homes, and was concerned about the increasing density. She said when densities increased, slums were created. She added that these developments continually make water runoff worse for those who live near creeks. Ms. Birgbauer told the Commission that there was a rumor that the creek was going to be cemented over. She said children living in apartments would play in the areas with green space, not in parking lots, and pointed out that the green space was in her neighborhood, not in the Wyndhurst development. Ms. Birgbauer said her house was up on a hill, so she would be overlooking the shopping center and apartments and was concerned about the depreciation of her property.

Ms. Sherry Robertson, 705 Wyndhurst Drive, spoke against the petition. Ms. Robertson said she purchased her townhouse in February, and understood that the development on Wyndhurst Drive, from the townhouses to the single –family dwellings on the side adjoining the Beverly Hills Circle neighborhood, would remain zoned for single-family homes. She said she was concerned with the view, specifically of the cars parked at the proposed apartments, the lack of green space, the increased traffic, and the possible decreased property values.

Ms. Kristie Bonavita, 709 Wyndhurst Drive, spoke against the petition. Ms. Bonavita said she and her husband recently moved into the neighborhood, and also understood that there would never be apartments built in the area. She commented on the fact that there were only two ways to get into and out of the development, and noted her concern with the increased traffic that would be associated with the apartments. She said she loved the neighborhood but did not think apartments would enhance the area.

Mr. Jamerson gave a rebuttal. He said they were not asking to rezone the property behind Mr. Davis' home; it is currently zoned R-1 and will remain R-1. He added that there would be no new right-of-ways open into the neighboring residential areas. Mr. Jamerson said that a TND must maintain a certain amount of green space, which was a much higher percentage than what was required by any other type of zoning in the City. He told the Commission that a landscape buffer was scheduled to be planted along the property line between the adjoining property and the proposed site, with the buffer continuing for another 100 feet behind Mr. Davis' property. Mr. Jamerson said they had tried to please everyone, but it was an impossible task. He added that Ms. Tracey Norvelle, Hurt & Proffitt, Inc., was also in attendance at this meeting and could address any questions or concerns that the Commission might have.

Ms. Tracey Norvelle, Hurt & Proffitt, Inc., 2524 Langhorne Road, addressed the Commission. Ms. Norvelle explained that the reason there were only two entrances/exits into the Wyndhurst development was because the existing neighbors did not want traffic from the new development going through their neighborhoods, so those wishes were respected during the design phase of the TND. She said traffic studies had been conducted and the density of the development was based on those numbers. She added that the idea behind a TND was achieving greater density. Ms. Norvelle said the Ordinance for the TND required a minimum of ten percent green space and currently they have twenty-two percent green space. She said she was surprised that some of these issues were coming up, as they were issues that had been resolved previously and/or had been part of the development from the very beginning. She noted that the Wyndhurst Development had been approved for a very long time and did not think any of the current plans should be a surprise to anyone.

Ms. Birgbauer gave a rebuttal. She asked if she was correct in her understanding that the subject property was originally zoned for single-family houses to abut the single-family homes on Beverly Hills Circle?

Mr. Martin responded that yes, in the original plan this site was zoned for single-family detached homes, which is why the petitioner is at this meeting. He said the petitioner was requesting to change that zoning from single-family homes to zoning that would allow the construction of apartments.

Commissioner Pulliam asked if the petition was for the construction of 160 units with the only access being from Northwynd Circle? He asked why the change from single-family homes to 160 apartments.

Mr. Jamerson said the cars would travel Northwynd Circle to Wyndhurst Drive. He said the City had concerns about Northwynd Circle and the proximity of the street to the flood area near the edge of the development. He said with the green space and the flood plain issues, the site did not justify single-family homes in this area. He said there was already a heavy tree line between the subject property and the residential homes on Beverly Hills Circle. Mr. Jamerson added that they had followed their plans very closely since the beginning of construction.

Chair Dahlgren said the 100-year flood plain did not go across the subject property. He asked about the additional 100-foot buffer behind Mr. Davis' property.

Mr. Jamerson said that was correct. He explained that the 100-foot buffer would be planted to adjoin Mr. Davis' property.

Commissioner Echols asked for clarification of the request. He said the property was already zoned R-2C, but the petition was to change the zoning to R-2C, which is what it currently is.

Ms. Norvelle said they were asking for an amendment to a proffer. She said the change was from a set back of 150 feet, zoned for single-family use to a set back of 75 feet zoned for multi-family use with a vegetative buffer. She said the vegetative buffer was not in the original plan.

Commissioner Echols said it looked like there were more parking spaces than rental units. He asked how much runoff there would be from the parking lot. He said he thought there would be a runoff problem and a traffic/pedestrian problem.

Ms. Norvelle said the number of parking spaces met the City code with no excess parking.

Mr. Jamerson said the runoff issue would be addressed before a building permit could be issued. He said he did not think this issue was a concern of the Planning Commission's, and added that he was not prepared to address design issues at this meeting. He said this petition was for a setback change only.

Chair Dahlgren asked if there were plans for a bridge over a creek, thus, the comment concerning cement being put over a creek. He asked Mr. Davis about the additional 100-foot buffer scheduled to be planted along his property line.

Mr. Jamerson said there were plans for a bridge and culvert at the creek. He said that, too, would have to be approved by the Planning Department.

Mr. Davis said his issue was that all of the trees along the property line had been removed, especially those that were removed from his property illegally. He said he was afraid that all of the dirt and mud from the development would run down onto his property. He said Mr. Jamerson had agreed to plant trees along 100-feet of his property, but he was asking that trees be planted along the approximately 500 feet of his property. He said if the extended buffer were planted now, in three to five years, if and when Mr. Jamerson decided to rezone the property directly behind Mr. Davis' property, the buffer would already be planted, the trees would have a jump on growth, and would be the same size as the trees that Mr. Jamerson has already agreed to plant.

Chair Dahlgren said he respected Mr. Davis' concern and understood where he was coming from. But, he said, the Commission could not address the issue of trees being removed from his property illegally. Chair Dahlgren told Mr. Davis that if he was getting runoff currently, then he should bring that issue to the City as a complaint, and the City would look into the situation.

Mr. Jamerson said the lake on site was their stormwater management pond. He said they went through the Army Corp of Engineers to design the lake for the entire 400-acre development. He said the problem with this project was that it had been designed and approved several years ago, and members of the Planning Commission and City Council had changed since that time. He said the City approved and encouraged this development from the beginning, which was 1997/98, and they have deviated very little from the original plan. Mr. Jamerson said one of the City's goals for the development was to complete the connection of Laxton Road and Rt. 221, and he was able to achieve that goal through the Wyndhurst project. He said the Christian Church (Disciples of Christ) wanted to develop a retirement community in that area, but could not purchase the entire 400 acres, so he bought the property himself and sold the Church the portion that they wanted. He added that the City also acquired a 100-acre parcel of land adjacent to Poplar Forest. Mr. Jamerson concluded by saying that this has been a public/private venture for the last five years and has been very successful for all parties involved.

Commissioner Wilkins asked why the site plan was revised on April 2, but there were several errors on the plan.

Ms. Norvelle said what the Commissioners had received was the conceptual plan that had been previously approved. She said the conceptual plan was not updated constantly; however, they had an on-going site plan that was kept updated. She added that the conceptual plan had been partially revised for this meeting, which included street name updates, but was not totally accurate for what had been developed thus far.

Commissioner Wilkins said it would help to have a more accurate site plan even if it was not entirely pertinent to the current request. She also asked for clarification with the Conditional Use Permit at Lockwood and Enterprise Drives.

Ms. Norvelle explained that the portion of this request concerning Lockewood Drive was the vacated right-of-way. She said the large yellow area shown on the site plan was only pertinent to this petition because Lockewood Drive would become part of that parcel if approved by the Commission and City Council.

Commissioner Wilkins asked Mr. Martin to help her with the disparity in this petitioner coming back to change the plan vs. another petitioner changing their plan.

Mr. Martin explained that this is the original plan that was approved by City Council several years ago, and the one that is being developing under until Council makes a decision about the current request. He said the edge area of the current plan list single-family detached and also single-family attached/single-family detached, which means townhomes. What the developer could do today, he continued, would be, within the yellow and orange areas on the site plan, to cut every tree on the property line and build single-family homes, which would be approximately 86 homes in the entire site. He said the proffer from the original 1997 rezoning was that "an area 150 feet from the property line would be limited to single-family detached uses." So, he said, they came to the Planning Department requesting to change the area zoned for single-family detached homes to apartments in an area within 50' of the property line, thus the change for the amendment to the proffer. He said this is the rezoning portion of the request. He said the amendment to the overall TND would designate the entire area as multi-family, single-family attached or single-family detached uses. He said the most recent plan for the area is multi-family, thus the need for the amendment to the TND plan. He said adding the parcel at the end of Lockewood Drive to the TND for single family detached uses would require an amendment to the TND plan. He said the Commission had been asked to do two things: amend the proffer to allow development other than single-family detached within 50 feet instead of 150 feet, and amend the TND plan to allow multi-family uses in an area that was not designated for multi-family use previously, and including the parcel on Lockewood Drive.

Commissioner Wilkins asked if the logic for approving this request was the opportunity to require buffering between the adjoining neighborhood and the new development? She asked if having apartments instead of houses around the edge of the site would be more desirable?

Mr. Martin said without the rezoning and proffering of the site plan there would be no buffer required. He said the development of the apartments would give more opportunity for green space, provide less of an impact, and provide more opportunities for control over the aesthetics and design than with single-family homes. He added that the traffic was an initial concern to him, but the Traffic Engineer voiced no concerns. Mr. Martin said according to the guidelines of the TND as specified in the Zoning Ordinance, the multi-family uses should be within a little over 1,000 from the center of the development, which they are. He commented that he wished the entire City would have to follow the design guidelines that had been developed for the Wyndhurst project.

Commissioner Moore said quality guidelines had been established for this development, which was why there was a certain percentage of mixed use and green space, and it all fits in the Wyndhurst community. He noted that those guidelines were strictly adhered to. He said if the subject property stayed zoned as it currently is, there could be single-family homes with no trees nor buffer. He added that this was a good compromise, and even if the density increased, there would be a 50-foot buffer. Commissioner Moore said this was a good tradeoff and thinks it works well. He said to make a development of this size successful, there must be a certain amount of flexibility that allowed developers to adhere to those guidelines and provide quality, while looking for ways to develop the project in a successful manner.

Chair Dahlgren and Commissioner Flint agreed with Commissioner Moore's comments.

Commissioner Wilkins said she felt that single-family houses should adjoin the current single-family residential neighborhood on Beverly Hills Circle. She said she would rather have fewer houses and hope the homeowners planted trees than to have an apartment community immediately behind the houses.

Commissioner Pulliam agreed with Commissioner Wilkins.

Commissioner Echols said he had a problem with changing the zoning from what was originally approved.

Mr. Martin pointed out that since the Commission was amending the TND, they could impose any conditions that were relevant to the development. However, he said, they could not impose conditions on the rezoning portion of the request.

After discussion, Commissioner Moore made the following motion, which was seconded by Commissioner Wilkins and passed by the following vote:

“That the Planning Commission waive the 21 – day submittal requirement of Section 35.1-43.1 of the Zoning Ordinance to accept proffers submitted by Bill Jamerson, Jamerson & Company for the ten (10) acre parcel located off Wyndhurst Drive.”

AYES:	Dahlgren, Echols, Flint, Moore, Pulliam, Wilkins	6
NOES:		0
ABSTENTIONS:		0

After discussion, Commissioner Moore made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

“That the Planning Commission recommends to the City Council approval of the petition of Bill Jamerson, Jamerson & Company to rezone ten (10) acres off Wyndhurst Drive from R-2 (Conditional), Single-Family Residential District to R-2, (Conditional), Single-Family Residential District, to amend previously approved proffers.”

AYES:	Dahlgren, Echols, Flint, Moore, Wilkins	4
NOES:	Pulliam, Wilkins	2
ABSTENTIONS:		0

After discussion, Commissioner Moore made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

“That the Planning Commission recommends to the City Council approval of the petition of Bill Jamerson, Jamerson & Company for a Conditional Use Permit off Wyndhurst Drive and at 1536 Lockwood Drive to amend the previously approved traditional neighborhood development (TND) plan subject to the following conditions:

1. That the property will be developed in substantial compliance with the Traditional Neighborhood Development Plan for the Jamerson Property as revised April 2, 2003.
2. That the ten (10) acre parcel proposed for apartment uses will be developed in substantial compliance with the site plan titled “Concept Plan Wyndhurst Out Parcel” as prepared by Resource International and received April 3, 2003.
3. That all properties will be subject to the Design Guidelines of the Wyndhurst TND as adopted by the City Council on July 14, 1998.”

AYES:	Dahlgren, Echols, Flint, Moore, Wilkins	4
NOES:	Pulliam, Wilkins	2
ABSTENTIONS:		0